

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Jeffrey L. Pursley, Director of	)	Application No.911-020.02
the Nebraska Telecommunications	)	
Infrastructure and Public Safety	)	
Department of the Nebraska	)	
Public Service Commission,	)	
	)	
Complainant,	)	
v.	)	
	)	
1-800-Reconex; Applied	)	
Communications Technology Inc.;	)	
Arapahoe Telephone Company d/b/a	)	
ATC Communications; Cable USA,	)	
LLC; Charter Fiberlink- Nebraska	)	
L.L.C. a/k/a Charter	)	
Communications VI, LLC;	)	
Citistream Communications, Inc.;	)	
Community Internet Systems,	)	ORDER TO DISMISS IN PART
Inc.; Cozad Telephone Company;	)	
Dalton Telephone Company; Elsie	)	
Communications, Inc.; Global	)	
Connection Inc. of America;	)	
Granite Telecommunications,	)	
L.L.C.; MCImetro Access	)	
Transmission Services, L.L.C.;	)	
Northstar Telecom, Inc.; Three	)	
River Telco; Three River	)	
Communications, L.L.C.; Time	)	
Warner Cable Information	)	
Services (Nebraska), L.L.C.; VCI	)	
Company d/b/a Vilaire	)	
Communications, Inc.;	)	
	)	
Respondents	)	Filed: July 29, 2008

BY THE COMMISSION:

On June 10, 2008, Jeff Pursley, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department (Complainant), filed a complaint in this docket alleging a violation of Neb. Rev. Stat. § 86-437. Complainant alleged Respondents failed to timely file with the Commission annual reporting information as required by § 86-437(2) by April 30, 2008. Complainant sought an order assessing administrative fines and ordering Respondents to comply with the reporting requirements.

Subsequent to filing the complaint, Respondent MCImetro Access Transmission Services, L.L.C. alleged that Respondent had timely filed annual reporting information to the Commission. Upon examination, it has been determined that Respondent had timely filed annual reporting information with the Commission. Therefore, Respondent should be dismissed from the complaint.

Additionally, Respondent Global Connection Inc. of America was incorrectly listed in the previous order to dismiss as Global Communications, Inc. Therefore, the proper party to be dismissed should be Global Connection, Inc.

Respondent Community Internet Systems, Inc. raised concerns as to whether Respondent was considered a service provider as defined under Neb. Rev. Stat. § 86-432 (Cum. Supp. 2006). "Service supplier means any person providing 911 service in this state". Community Internet Systems, Inc. contended that it did not provide any 911 service within Nebraska and was therefore not required to comply with annual report requirements under § 86-437(2). Other Respondents were found similarly situated and have already been dismissed. Respondent Charter Fiberlink-Nebraska L.L.C. a/k/a Charter Communications VI, LLC was not in violation of §86-437(2) in that Respondent did not meet the definition of "service provider" under § 86-432, therefore Respondent should be dismissed from the complaint.

The Respondents listed below have signed a stipulation with the Complainant wherein Respondents have agreed to pay an administrative fine and costs to dismiss the departmental complaint:

**1-800-Reconex**  
**Cozad Telephone Company**  
**Granite Telecommunications, L.L.C.**

The Respondents have submitted the required report in compliance with Commission requirements. The fine amount was reduced for the Respondents due to the period of time between the filing of the complaint and the mailing of the complaint to the Respondents. The Commission finds that the signed stipulations and reduced payments are satisfactory and therefore the above-listed Respondents should be dismissed from the complaint.

The companies listed in the preceding paragraph should be aware that this Commission will not tolerate similar behavior in 2009 regarding the filing of the 2008 report. If reports are not postmarked on or before April 30, 2009, the option of resolving the complaint through a stipulation will be closely

scrutinized. All companies that have agreed to such a stipulation will be considered a willful violator and be subject to the maximum penalty allowed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that MCImetro Access Transmission Services, L.L.C.; Global Connection, Inc.; Charter Fiberlink- Nebraska L.L.C. a/k/a Charter Communications VI, LLC; 1-800-Reconex; Cozad Telephone Company; and Granite Telecommunications, L.L.C. be, and hereby are, dismissed from the complaint.

MADE AND ENTERED at Lincoln, Nebraska this 29<sup>th</sup> day of July, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Deputy Director